

REMARKS

Status of the Claims

Claims 1-21 are presently pending in this application. Claim 1 is amended. Claim 21 is canceled. Reconsideration of the pending claims is respectfully requested.

Amendments to the Claims

Claim 1 is amended to include the recitation that the biasing element is “configured to accommodate passage of fluid from the inlet port to the chamber without passage through the biasing element.” Thus, amended claim 1 includes the recitations from former claim 21. Claim 21 is canceled without prejudice. Accordingly, no new matter is added.

Allowable Subject Matter

The Applicant acknowledges, with thanks, the indicated allowability of claims 10-18 and 21 if rewritten in independent form to include all of the recitations from the base claim and any intervening claims.

Novelty

Claims 1-9 and 22 currently stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,810,761 to Saens-Arrollo (herein “Saens-Arrollo”). Furthermore, claims 1, 3-7, 9, 19, 20, and 22 currently stand rejected under rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,450,155 to Froehner et al. (herein “Froehner”). It is the Applicant’s understanding that claim 22 was never entered into prosecution in the present application, as indicated by the Advisory Action of March 29, 2006. However, if the Applicant is in error on this point, clarification is kindly requested.

The Applicant maintains that the claims are patentable over the cited art at least because neither reference teaches or suggests a biasing element having a self-adjusting, damped resistance to allow fluid release at a rate which is proportional to an average pressure difference over time. In particular, the Applicant maintains that the functional language of the former claims is sufficient to distinguish the claims over Saens-Arrollo and Froehner. Nonetheless, the Applicant amends claim 1 solely to expedite prosecution of the present application. Indeed, the current response in no way prejudices the Applicant’s position that any of the former forms of

the claims are patentable over the cited art. The Applicant maintains the right to pursue any of such claims in a related continuing application.

Amended claim 1 includes the recitation of former claim 21. Thus, amended claim 1 is substantially former claim 21 in independent form. Accordingly, amended claim 1 should be allowable, as indicated in the Office Action. Claim 21 is canceled, rendering its rejection moot. Claims 2-20 each depend ultimately from amended claim 1, and are, thus, each patentable for at least the same reason that amended claim 1 is patentable.


In summary, claims 1-20 are all patentable over the cited art.

CONCLUSION

In view of the remarks above, Applicant submits that claims 1-20 are in condition for allowance, and allowance thereof is respectfully requested. Applicant encourages the Examiner to telephone the undersigned in the event that such communication might expedite prosecution of this matter.

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Respectfully submitted,

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